

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK DREGER, ROBERT VOGEL,
CARL PETERS, ALLAN PYNE,
SCOTT HAY, BRYAN LERTOLA,
DARRIN DENIS and AARON BURNSWORTH,

Plaintiffs,

-vs-

Case No. 10-12725
Hon: AVERN COHN

NAGY READY MIX, INC., a Michigan domestic profit corporation, PARAGON READY MIX, INC., a Michigan domestic profit corporation, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL NO. 247 and the INTERNATIONAL BROTHERHOOD OF TEAMSTERS,

Defendants.

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ORDER DENYING MOTION TO STRIKE (Doc. 50)

This is a labor dispute. Defendant, International Brotherhood of Teamsters, Local No. 247 (Local 247), has filed a motion to strike plaintiffs' brief in opposition to its motion for summary judgment in part because it "relies heavily on two facts not identified in response to Local 247's interrogatories and which are wholly new." Plaintiffs' response says that its "answers are the same arguments as those in Plaintiffs' motion for summary judgment response, just more clearly articulated."

To the extent Local 247 is prejudiced by what it says is a change of positions by plaintiffs, such prejudice can be obviated by less harsh means than a strike order. What

is important to the disposition of a case is a full exposition of the relevant facts, as well as the applicable law. Accordingly, the motion is DENIED.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: August 18, 2011

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, August 18, 2011, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160